

REMARKS

In the Office Action, dated June 30, 2006, the Examiner rejected claims 19-24, 26, 28, 29 and 31-36 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,970,915 (hereinafter "PARTOVI"). Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 102.¹

By way of this amendment, Applicant has amended claim 34 to improve form. Independent claim 19 has been amended to improve form and to incorporate the subject matter of claim 25, which has been indicated by the Examiner as being allowable. Claim 25 has been canceled without prejudice or disclaimer. Claims 19-24 and 26-36 remain pending. Reconsideration of the outstanding rejections is respectfully requested in view of the amendments above and the following remarks.

In paragraph 1, the Office Action rejects claims 19-24, 26, 28, 29 and 31-36 under 35 U.S.C. § 102(e) as allegedly being anticipated by PARTOVI. Applicant respectfully traverses.

Independent claim 19 has been amended to incorporate the subject matter of dependent claim 25, which has been indicated by the Examiner as being allowable. Claim 19, therefore, should now be in condition for allowance. Claims 20-24 and 26 depend from claim 19 and, thus, should also now be in condition for allowance.

¹ As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicant that such assertions are accurate or such requirements have been met, and Applicant reserves the right to analyze and dispute such assertions/requirements in the future.

Independent claim 28 recites a method that includes “receiving and storing a first series of recorded audio segments,” “receiving and storing a second series of recorded audio segments,” “receiving a request to access the stored first series of recorded audio segments via a first telephone call,” “playing back the requested first series of recorded audio segments via the first telephone call,” “receiving a selection of a first audio segment of the played back first series of recorded audio segments via the first telephone call,” “receiving a recorded first audio comment via the first telephone call” and “storing the received recorded first audio comment in association with the selected first audio segment.”

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. PARTOVI does not disclose or suggest the combination of features recited in Applicant's claim 28.

For example, PARTOVI does not disclose or suggest “receiving a selection of a first audio segment of the played back first series of recorded audio segments via the first telephone call,” “receiving a recorded first audio comment via the first telephone call” and “storing the received recorded first audio comment in association with the selected first audio segment,” as recited in claim 28. The Office Action relied on column 8, lines 30-42 and column 13, line 36-column 14, line 52 of PARTOVI for allegedly disclosing the features of claim 28. Applicant respectfully submits that these sections of PARTOVI do not disclose or suggest the above-noted features of claim 28.

At column 8, lines 30-42, PARTOVI discloses:

A topic is any collection of similar content. Topics may be arranged hierarchically as well. For example, a topic might be business news, while subtopics might include stock quotes, market report, and analyst reports. Within a topic different types of content are available. For example, in the stock quotes subtopic, the content might include stock quotes. The distinction between topics and the content within the topics is primarily one of degree in that each topic, or subtopic, will usually contain several pieces of content.

This section of PARTOVI discloses topics of content that may be stored in the system of PARTOVI. This stored content may include, for example, stock quotes, market reports and analyst reports. This section of PARTOVI, however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

At column 13, lines 36-46, PARTOVI discloses:

For example, John Doe, who is calling from the telephone 100, already has a profile in the shared database 112. That profile may indicate that John prefers a southern dialect and likes to hear a quick stock market report immediately on call in. Thus, for John, his telephone identifying information serves to log him directly into the system and trigger the personalized behavior unique to him: a quick stock market report in a southern dialect. In contrast, a different caller, Sarah Brown, from a different telephone will be provided different personalized content based on that telephone identifying information.

This section of PARTOVI discloses the use of a user profile, that indicates content preferences of the user, and the automatic provision of the user content to the user when the user makes a telephone call based on the user profile. This section of PARTOVI,

however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

At column 13, lines 47-62, PARTOVI discloses:

The voice portal may support multiple callers from a single telephone. For example, Sarah Brown and John Doe may both use the telephone 100 to call the voice portal 110. In the case where two or more profiles are identified with the same telephone identifying information, the voice portal may prompt for a password or other unique identifier, either as voice or touch-tone, to select among the profiles.

However, as a general matter, the voice portal is configured to minimize the need for a caller to provide a password. Thus, during a single call session, the caller is typically only asked to provide her/his password a single time. However, some embodiments of the invention may require that a password always be used to complete commercial transactions and/or after the passage of a predetermined period, e.g. ten minutes since last password prompt. In some embodiments, the user may adjust her/his profile to allow login without a password for playback features.

This section of PARTOVI discloses the capability of the system of PARTOVI to recognize two or more callers calling from the same telephone. If more than one profile is associated with a given phone, the system of PARTOVI may request that the calling user supply a voice or touch-tone identifier that permits the system to distinguish the calling user from other callers. This section of PARTOVI, however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

At column 13, line 63-column 14, line 11, PARTOVI discloses:

Also, a single profile can be associated with multiple calling numbers. For example, the user Jane Doe could specify that both the telephone 100 and the cellular telephone 101 should be associated with her profile. Similarly, if Jane calls from a new telephone, e.g. pay phone, she can provide her existing telephone number and her password to access her profile. In some embodiments, whenever the user calls from a new telephone number, she/he is prompted as to whether to remember the number for future use. In some embodiments, additional telephone identifying information, e.g. this is a pay phone, is used so that the caller is not prompted to associated telephone numbers that are likely to be single time uses with her/his profile. Similarly, voice verification may be used to recognize a caller's voice instead of, or in addition to, using a password or other identification number.

This section of PARTOVI discloses the association of a single user profile, used for supplying content to the user, with multiple calling numbers. A user may, thus, associate their user profile with their land-line telephone and their wireless cellular telephone. This section of PARTOVI, however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

At column 14, lines 12-25, PARTOVI discloses:

Typical events that would require a password, or that the user be authenticated previously with a password, might include adding and removing items from the user profile through explicit commands as well as requests for specific personal information, e.g. that user's stock portfolio, bank account balances, etc.

It is not necessary for callers to the voice portal 110 to explicitly specify their preferences using this embodiment of the invention. The callers' behaviors and actions are used by the voice portal 110 to adopt implicit preferences, sometimes after receiving confirmation. For example,

behaviors and actions reflecting repeated access to a content in a particular topic, or a particular topic, may cause the voice portal 110 to automatically include the repeatedly requested content in the default message.

This section of PARTOVI discloses that user authentication techniques may be used to restrict user access to their user profiles. This section of PARTOVI further discloses that a given user may explicitly specify their content preferences (included in their user profile), or the preferences may be inferred from their actions and behavior. This section of PARTOVI, however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

At column 14, lines 26-52 PARTOVI discloses:

For example, if a caller from New York City repeatedly asks for the weather in San Francisco, the system can add the San Francisco weather to the standard weather report. Alternatively, the system may request confirmation before adding the weather report, e.g. "Would you like me to include San Francisco in the standard weather report?" Similarly, at the level of topics, users who repeatedly ask for information about business related issues may find that the system will adjust the main menu to include business. Similarly, if that same user never asks for sports scores, that option may drop off the main menu. In some embodiments, the system may ask for confirmation before modifying the menu choices, or the system may notify the user of a modification and/or allow a user to review/change past modifications. As a result, the structure and content of the call may change, e.g. San Francisco weather will be announced at the beginning of future calls and sports information may be omitted.

Through the use of this process, the need for a specialized editing mode of the type seen on customizable web portals is reduced. The user's actions and behaviors shape the options presented to her/him. Thus, reducing the need to explicitly pick topics and/or content in an editing mode. However, some embodiments of the invention may allow for explicit profile creation in an editing mode over the web, see below, and/or over the telephone. Also,

users are typically permitted to add and remove topics and/or items at will with explicit commands, e.g. "Remember this", "Remove", "Add to my stock list", etc.

This section of PARTOVI discloses the updating of a user profile to indicate what kind of content the user may want to access during a call. As disclosed in PARTOVI, automatic updating of the user profile reduces the need for a specialized editing mode in which the user must explicitly pick content that the user desires to access. This section of PARTOVI, however, does not disclose, or even suggest, the receipt of a selection of an audio segment of a played back series of recorded audio segments via a telephone call, the receipt of a recorded audio comment via the telephone call, and the storing of the received audio comment in association with the selected audio segment, as recited in claim 28.

In view of the discussion above of the various subsections of column 13, line 36-column 14, line 5 and column 8, lines 30-42, Applicant respectfully submits that PARTOVI does not disclose or suggest the combination of features recited in claim 28 and, therefore, does not anticipate claim 28. Withdrawal of the rejection of claim 28 under 35 U.S.C. § 102 is respectfully requested.

Claim 29 depends from claim 28. This claim, therefore, patentably distinguishes over PARTOVI for at least the reasons set forth above with respect to claim 28.²

Independent claim 31 recites a method that includes "storing audio segments corresponding to different conversations in an audio repository," "permitting a plurality of

² As Applicant's remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicant's silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

different users to add one or more audio segments to the stored audio segments of selected ones of the different conversations,” “moderating the content of the stored audio segments by marking first ones of the stored audio segments as being approved and marking second ones of the stored audio segments as being disapproved” and “selectively playing back the approved first ones of the stored audio segments to a user accessing the stored audio segments via a telephone call.” Applicant submits that PARTOVI does not disclose each and every feature of claim 31.

For example, PARTOVI does not disclose or suggest, among other features, “permitting a plurality of different users to add one or more audio segments to the stored audio segments of selected ones of the different conversations” and “moderating the content of the stored audio segments by marking first ones of the stored audio segments as being approved and marking second ones of the stored audio segments as being disapproved,” as recited in claim 31. In rejecting claim 31, the Office Action relies on column 13, line 36-column 14, line 52 and column 19, lines 11-26 of PARTOVI for allegedly disclosing the above-noted features of claim 31. Applicant respectfully submits that the sections of PARTOVI cited by the Office Action do not disclose or suggest the above-noted features.

As discussed above with respect to claim 28, column 13, line 36-column 14, line 52 merely discloses the establishment of a user profile, which is associated with a given user, which automatically determines user content preferences and uses those preferences for providing content to a user during a phone call. This section of PARTOVI does not

disclose, or even suggest, “permitting a plurality of different users to add one or more audio segments to the stored audio segments of selected ones of the different conversations” and “moderating the content of the stored audio segments by marking first ones of the stored audio segments as being approved and marking second ones of the stored audio segments as being disapproved,” as recited in claim 31.

At column 19, lines 11-26, PARTOVI discloses:

Similarly, the telephone identifying information may include information about the type of phone, e.g. pay phone, hospital phone, etc., that can be used to adjust the voice character, e.g. louder and slower speech.

Additionally, the caller's speaking voice may be used to refine the voice character of the system. Thus, callers with speech patterns from a particular region of the country may find that after several verbal interactions with the voice portal, the content being presented at step 512 is being spoken using a voice character more suited to their own speech patterns. Similarly, in response to callers who request that information be repeated several times, the voice character for those callers may be slowed and played back louder. Additional examples include allowing users to select different voice actors, different background music and/or sound effects, control the verbosity of prompts, etc.

This section of PARTOVI merely discloses the adjustment of the character of the voice that provides given content to a calling user. The system of PARTOVI can analyze the speech patterns of the user to adjust the character of the voice providing content to the user. This section of PARTOVI, however, does not disclose, or even suggest, “permitting a plurality of different users to add one or more audio segments to the stored audio segments of selected ones of the different conversations” and “moderating the content of the stored audio segments by marking first ones of the stored audio segments as being approved and marking second ones of the stored audio segments as being disapproved,” as

recited in claim 31. Since PARTOVI does not disclose or suggest each and every feature of claim 31, PARTOVI cannot anticipate claim 31. Withdrawal of the rejection of claim 31 under 35 U.S.C. § 102 is respectfully requested.

Independent claim 32 recites a method that includes “storing audio segments corresponding to different conversations in an audio repository,” “permitting a plurality of different users to add one or more first audio segments to the stored audio segments of selected ones of the different conversations, wherein the added one or more first audio segments include audio commentary on a content of the stored audio segments” and “receiving one or more second audio segments that rate the audio commentary included in the one or more first audio segments.” Applicant submits that PARTOVI does not disclose each and every feature of claim 32.

For example, PARTOVI does not disclose or suggest, among other features, “permitting a plurality of different users to add one or more first audio segments to the stored audio segments of selected ones of the different conversations, wherein the added one or more first audio segments include audio commentary on a content of the stored audio segments” and “receiving one or more second audio segments that rate the audio commentary included in the one or more first audio segments,” as recited in claim 32. In rejecting claim 32, the Office Action relies on column 13, line 36-column 14, line 52 and column 21, lines 13-46 of PARTOVI for allegedly disclosing the above-noted features of claim 32. Applicant respectfully submits that the sections of PARTOVI cited by the Office Action do not disclose or suggest the above-noted features. As discussed above with respect to claim 28, column 13, line 36-column 14, line 52 merely discloses the

establishment of a user profile, that is associated with a given user, which automatically determines user content preferences and uses those preferences for providing content to a user during a phone call. This section of PARTOVI does not disclose, or even suggest, “permitting a plurality of different users to add one or more first audio segments to the stored audio segments of selected ones of the different conversations, wherein the added one or more first audio segments include audio commentary on a content of the stored audio segments” and “receiving one or more second audio segments that rate the audio commentary included in the one or more first audio segments,” as recited in claim 32.

At column 21, lines 13-46, PARTOVI discloses:

At block 640, the execution engine may cause the audio data may be mixed with additional audio data. This may be done when user menu prompts/notices from the voice portal 110 are supplied overtop of the audio from the streaming audio signal. This mixing may be done in the telephone gateway 107 and/or in the computers running the voice portal 110. Examples of the types of audio signals mixed can include streaming content from the local streaming content server 160, streaming content from the streaming content server 150, audio from the text to speech engine 214, and/or audio content from the audio repository 212. This allows prompts, system notifications, menu options, and other user interface features to be combined with streaming content delivery. The mixing may be accomplished by reducing the power level of the streaming content and adding the second signal. Mixing may also be achieved by inserting an audio signal into the stream. This allows for the insertion of advertisements, systems prompts, etc. Note that, like the audio signal from the streaming content, the audio retrieved from the local streaming content server 160, the text to speech engine 214, and/or the audio repository 212, may need to be converted to a form compatible with the representation of audio within the voice portal 110. For example, the audio repository 212 may store audio signals in many different forms (e.g., WAV form, MP3, MIDI, etc.), these forms may need to be converted into the internal representation of audio signals within the voice portal 110. This conversion may also include resolving a location of stored audio information. For example, if the audio repository 212 refers to audio data stored at another location (e.g. on the Internet), the voice portal 110 may need to resolve the address, download

the audio signal, and then convert the signal to the appropriate internal representation. Note, the voice portal 110 may use multiple internal representations of audio data.

This section of PARTOVI merely discloses the mixing of different audio signals together prior to providing them to a user via a phone call. For example, system audio notifications or system audio prompts may be mixed together with streaming audio being provided to the user. This section of PARTOVI, however, does not disclose, or even suggest, “permitting a plurality of different users to add one or more first audio segments to the stored audio segments of selected ones of the different conversations, wherein the added one or more first audio segments include audio commentary on a content of the stored audio segments” and “receiving one or more second audio segments that rate the audio commentary included in the one or more first audio segments,” as recited in claim 32. Since PARTOVI does not disclose or suggest each and every feature of claim 32, PARTOVI cannot anticipate claim 32. Withdrawal of the rejection of claim 32 under 35 U.S.C. § 102 is respectfully requested.

Independent claim 33 recites a method that includes “storing audio segments in an audio repository corresponding to different conversations,” “permitting a plurality of different users to add one or more audio segments to the stored audio segments corresponding to selected ones of the different conversations,” “removing first ones of the stored audio segments that include objectionable material and second ones of the stored audio segments that include duplicative material to produce moderated audio segments” and “selectively playing back the moderated audio segments to users accessing the stored

audio segments via telephone calls.” PARTOVI does not disclose or suggest this combination of features.

For example, PARTOVI does not disclose or suggest, among other features, “permitting a plurality of different users to add one or more audio segments to the stored audio segments corresponding to selected ones of the different conversations,” “removing first ones of the stored audio segments that include objectionable material and second ones of the stored audio segments that include duplicative material to produce moderated audio segments” and “selectively playing back the moderated audio segments to users accessing the stored audio segments via telephone calls,” as recited in claim 33. In rejecting claim 33, the Office Action relies on column 13, line 36-column 14, line 52 and column 21, lines 13-46 of PARTOVI for allegedly disclosing the above-noted features of claim 33. Applicant respectfully submits that the sections of PARTOVI cited by the Office Action do not disclose or suggest the above-noted features.

As discussed above with respect to claim 28, column 13, line 36-column 14, line 52 merely discloses the establishment of a user profile, that is associated with a given user, which automatically determines user content preferences and uses those preferences for providing content to a user during a phone call. As further discussed above with respect to claim 32, column 21, lines 13-46 of PARTOVI merely discloses the mixing of different audio signals together prior to providing them to a user via a phone call. Neither of the sections cited by the Office Action discloses, or even suggests, “permitting a plurality of different users to add one or more audio segments to the stored audio segments corresponding to selected ones of the different conversations,” “removing first ones of the

stored audio segments that include objectionable material and second ones of the stored audio segments that include duplicative material to produce moderated audio segments” and “selectively playing back the moderated audio segments to users accessing the stored audio segments via telephone calls,” as recited in claim 33. Since PARTOVI does not disclose or suggest each and every feature of claim 33, PARTOVI cannot anticipate claim 33. Withdrawal of the rejection of claim 33 under 35 U.S.C. § 102 is respectfully requested.

Amended independent claim 34 recites a method that includes “storing audio segments in an audio repository corresponding to different conversations,” “re-ordering the stored audio segments within each of the different conversations in a rank order based on an importance associated with a content of each of the stored audio segments” and “selectively playing back the re-ordered audio segments based on the rank order to users accessing the stored audio segments via telephone calls.” In rejecting claim 34, the Office Action relies on column 21, lines 13-46 of PARTOVI for allegedly disclosing the above-noted features of claim 34. Applicant respectfully submits that the section of PARTOVI cited by the Office Action does not disclose or suggest the above-noted features.

As discussed above with respect to claim 32, column 21, lines 13-46 of PARTOVI merely discloses the mixing of different audio signals together prior to providing them to a user via a phone call. This section of PARTOVI does not disclose, or even suggest, “re-ordering the stored audio segments within each of the different conversations in a rank order based on an importance associated with a content of each of the stored audio segments” or “selectively playing back the re-ordered audio segments based on the rank

order to users accessing the stored audio segments via telephone calls,” as recited in claim 34. Since PARTOVI does not disclose or suggest each and every feature of claim 34, PARTOVI cannot anticipate claim 34. Withdrawal of the rejection of claim 34 under 35 U.S.C. § 102 is respectfully requested.

Claim 35 depends from claim 34. Withdrawal of the rejection of this claim is, therefore, requested for at least the reasons set forth above with respect to claim 34. PARTOVI furthermore does not disclose the additional features recited in dependent claim 35. For example, PARTOVI does not disclose or suggest “permitting a plurality of different users to add one or more audio segments to the stored audio segments corresponding to selected ones of the different conversations, wherein the re-ordering includes re-ordering the stored audio segments and the added one or more audio segments in rank order based on an importance associated with a content of each of the stored audio segments and the added one or more audio segments,” as recited in claim 35. Withdrawal of the rejection of claim 35 is requested for at least this additional reason.

Independent claim 36 recites similar features to (yes possibly of different scope than) those discussed above with respect to claim 28. Withdrawal of the rejection of 36 is respectfully requested for similar reasons to those set forth above with respect to claim 28.

In view of the foregoing amendments and remarks, Applicant respectfully requests the Examiner's reconsideration of this application, and the timely allowance of the pending claims. To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

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